



General Assembly

February Session, 2002

***Raised Bill No. 633***

LCO No. 2618

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE COLLECTION OF CHILD SUPPORT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-179 of the general statutes is amended by  
2 adding subsection (o) as follows (*Effective October 1, 2002*):

3 (NEW) (o) The Connecticut Child Support Enforcement Bureau  
4 shall maintain the addresses of the recipients of child support  
5 enforcement services through the IV-D system. Any such address shall  
6 be changed only upon the filing with the bureau of a written request  
7 by the recipient of child support, and any address reported to the  
8 bureau must be the place where the recipient resides.

9 Sec. 2. Section 45a-707 of the general statutes is repealed and the  
10 following is substituted in lieu thereof (*Effective October 1, 2002*):

11 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to  
12 45a-718, inclusive, as amended, and 45a-724 to 45a-737, inclusive, as  
13 amended:

14 (1) "Adoption" means the establishment by court order of the legal  
15 relationship of parent and child;

16 (2) "Child care facility" means a congregate residential setting for the  
17 out-of-home placement of children or youth under eighteen years of  
18 age, licensed by the Department of Children and Families;

19 (3) "Child-placing agency" means any agency within or without the  
20 state of Connecticut licensed or approved by the Commissioner of  
21 Children and Families in accordance with sections 17a-149 and  
22 17a-151, as amended, and in accordance with standards established by  
23 regulations of the Commissioner of Children and Families;

24 (4) "Guardianship" means guardianship, unless otherwise specified,  
25 of the person of a minor and refers to the obligation of care and  
26 control, the right to custody and the duty and authority to make major  
27 decisions affecting the minor's welfare, including, but not limited to,  
28 consent determinations regarding marriage, enlistment in the armed  
29 forces and major medical, psychiatric or surgical treatment;

30 (5) "Parent" means a biological or adoptive parent;

31 (6) "Relative" means any person descended from a common  
32 ancestor, whether by blood or adoption, not more than three  
33 generations removed from the child;

34 (7) "Statutory parent" means the Commissioner of Children and  
35 Families or the child-placing agency appointed by the court for the  
36 purpose of the adoption of a minor child or minor children;

37 (8) "Termination of parental rights" means the complete severance  
38 by court order of the legal relationship, with all its rights and  
39 responsibilities, between the child and the child's parent or parents so  
40 that the child is free for adoption except it shall not affect the right of  
41 inheritance of the child or the religious affiliation of the child and it  
42 shall not affect the child support obligation of the parent or parents  
43 whose rights are terminated until the child is adopted, provided the  
44 court, in its discretion, may determine that continuation of such child  
45 support obligation is not in the child's best interests.

46 Sec. 3. Subdivisions (1) and (2) of subsection (a) of section 17b-745 of  
 47 the general statutes are repealed and the following is substituted in  
 48 lieu thereof (*Effective October 1, 2002*):

49 (a) (1) The Superior Court or a family support magistrate shall have  
 50 authority to make and enforce orders for payment of support to the  
 51 Commissioner of Administrative Services or in IV-D cases, to the state  
 52 acting by and through the IV-D agency, directed to the husband or  
 53 wife and, if the patient [or person] is under twenty-one or, on and after  
 54 October 1, 1972, under eighteen, or if the person is under the age of  
 55 twenty, provided the person is unmarried, a full-time high school  
 56 student and resides with the custodial parent, any parent of any  
 57 patient or person being supported by the state, wholly or in part, in a  
 58 state humane institution, or under any welfare program administered  
 59 by the state Department of Social Services, as said court finds, in  
 60 accordance with the provisions of subsection (b) of section 17b-179, or  
 61 section 17a-90, 17b-81, 17b-223, 46b-129, as amended, or 46b-130, to be  
 62 reasonably commensurate with the financial ability of any such  
 63 relative. Any court or family support magistrate called upon to make  
 64 or enforce such an order, including one based upon a determination  
 65 consented to by the relative, shall insure that such order is reasonable  
 66 in light of the relative's ability to pay.

67 (2) (A) The court or family support magistrate shall include in each  
 68 support order in a IV-D support case a provision for the health care  
 69 coverage of the child which provision may include an order for either  
 70 parent to name any child under eighteen, or any child under twenty,  
 71 provided the child is unmarried, a full-time high school student and  
 72 residing with the custodial parent, as a beneficiary of any medical or  
 73 dental insurance or benefit plan carried by such parent or available to  
 74 such parent on a group basis through an employer or a union. If such  
 75 insurance coverage is unavailable at reasonable cost, the provision for  
 76 health care coverage may include an order for either parent to apply  
 77 for and maintain coverage on behalf of the child under the HUSKY  
 78 Plan, Part B. The noncustodial parent shall be ordered to apply for the

79 HUSKY Plan, Part B only if such parent is found to have sufficient  
80 ability to pay the appropriate premium. In any IV-D support case in  
81 which the noncustodial parent is found to have insufficient ability to  
82 provide medical insurance coverage and the custodial party is the  
83 HUSKY Plan, Part A or Part B applicant, the provision for health care  
84 coverage may include an order for the noncustodial parent to pay such  
85 amount as is specified by the court or family support magistrate to the  
86 state or the custodial party, as their interests may appear, to offset the  
87 cost of any insurance payable under the HUSKY Plan, Part A or Part B.  
88 In no event may such order include payment to offset the cost of any  
89 such premium if such payment would reduce the amount of current  
90 support required under the child support guidelines.

91 (B) When a parent is ordered to provide insurance coverage in  
92 accordance with subparagraph (A) of this subdivision, the court or  
93 family support magistrate shall order the employer of such parent to  
94 withhold from such employee's compensation the employee's share, if  
95 any, of premiums for health coverage, except for certain circumstances  
96 under which an employer may withhold less than such employee's  
97 share of such premiums, as may be provided by regulation of the  
98 Secretary of the United States Department of Health and Human  
99 Services and pay such share of premiums to the insurer. The amount  
100 withheld shall not exceed the maximum amount permitted to be  
101 withheld as set forth in 15 USC 1673(b). Whenever an order of the  
102 Superior Court or family support magistrate is issued against a parent  
103 to cover the cost of such medical or dental insurance or benefit plan for  
104 a child who is eligible for Medicaid benefits, and such parent has  
105 received payment from a third party for the costs of such services but  
106 such parent has not used such payment to reimburse, as appropriate,  
107 either the other parent or guardian or the provider of such services, the  
108 Department of Social Services shall have the authority to request the  
109 court or family support magistrate to order the employer of such  
110 parent to withhold from the wages, salary or other employment  
111 income, of such parent to the extent necessary to reimburse the  
112 Department of Social Services for expenditures for such costs under

113 the Medicaid program. However, any claims for current or past due  
114 child support shall take priority over any such claims for the costs of  
115 such services.

116 Sec. 4. Subdivision (1) of subsection (a) of section 46b-215 of the  
117 general statutes is repealed and the following is substituted in lieu  
118 thereof (*Effective October 1, 2002*):

119 (a) (1) The Superior Court or a family support magistrate shall have  
120 authority to make and enforce orders for payment of support against  
121 any person who neglects or refuses to furnish necessary support to  
122 such person's spouse or a child under the age of eighteen or an  
123 unmarried child under the age of twenty who is a full-time high school  
124 student residing with the custodial parent, according to such person's  
125 ability to furnish such support, notwithstanding the provisions of  
126 section 46b-37, as amended.

127 Sec. 5. Subdivision (1) of subsection (a) of section 46b-171 of the  
128 general statutes is repealed and the following is substituted in lieu  
129 thereof (*Effective October 1, 2002*):

130 (a) (1) If the defendant is found to be the father of the child, the  
131 court or family support magistrate shall order the defendant to stand  
132 charged with the support and maintenance of such child, with the  
133 assistance of the mother if such mother is financially able, as said court  
134 finds, in accordance with the provisions of section 17b-81, 17b-223,  
135 17b-745, as amended, subsection (b) of section 17b-179, section 17a-90,  
136 46b-129, as amended, 46b-130 or 46b-215 to be reasonably  
137 commensurate with the financial ability of the defendant, and to pay a  
138 certain sum periodically until the child attains the age of eighteen  
139 years or until the child attains the age of twenty years provided the  
140 child is unmarried, a full-time high school student and residing with  
141 the custodial parent. The court or family support magistrate shall  
142 order the defendant to pay such sum to the complainant, or, if a town  
143 or the state has paid such expense, to the town or the state, as the case  
144 may be, and shall grant execution for the same and costs of suit taxed

145 as in other civil actions, together with a reasonable attorney's fee; and  
146 may require the defendant to become bound with sufficient surety to  
147 perform such orders for support and maintenance.

148 Sec. 6. Subsection (c) of section 46b-172 of the general statutes, as  
149 amended by section 42 of public act 01-195, is repealed and the  
150 following is substituted in lieu thereof (*Effective October 1, 2002*):

151 (c) At any time after the signing of any acknowledgment of  
152 paternity, upon the application of any interested party, the court or  
153 any judge thereof or any family support magistrate in IV-D support  
154 cases and in matters brought under sections 46b-212 to 46b-213v,  
155 inclusive, as amended, shall cause a summons, signed by such judge or  
156 magistrate, by the clerk of said court or by a commissioner of the  
157 Superior Court, to be issued, requiring the acknowledged father to  
158 appear in court at a time and place as determined by the clerk but not  
159 more than ninety days after the issuance of the summons, to show  
160 cause why the court or the family support magistrate assigned to the  
161 judicial district in IV-D support cases should not enter judgment for  
162 support of the child by payment of a periodic sum until the child  
163 attains the age of eighteen years or until the child attains the age of  
164 twenty years, provided the child is unmarried, a full-time high school  
165 student and residing with the custodial parent, together with provision  
166 for reimbursement for past due support based upon ability to pay in  
167 accordance with the provisions of section 17b-81, 17b-223, subsection  
168 (b) of section 17b-179, section 17a-90, 46b-129, as amended, or 46b-130,  
169 a provision for health coverage of the child as required by section 46b-  
170 215, as amended by this act, and reasonable expense of the action  
171 under this subsection. Such court or family support magistrate, in IV-D  
172 cases, shall also have the authority to order the acknowledged father  
173 who is subject to a plan for reimbursement of past-due support and is  
174 not incapacitated, to participate in work activities which may include,  
175 but shall not be limited to, job search, training, work experience and  
176 participation in the job training and retraining program established by  
177 the Labor Commissioner pursuant to section 31-3t. The application,

178 summons and order shall be on forms prescribed by the Office of the  
 179 Chief Court Administrator. Proceedings to obtain such orders of  
 180 support shall be commenced by the service of such summons on the  
 181 acknowledged father. A state marshal or proper officer shall make due  
 182 return of process to the court not less than twenty-one days before the  
 183 date assigned for hearing. The prior judgment as to paternity shall be  
 184 res judicata as to that issue for all paternity acknowledgments filed  
 185 with the court on or after March 1, 1981, but before July 1, 1997, and  
 186 shall not be reconsidered by the court unless the person seeking review  
 187 of the acknowledgment petitions the superior court for the judicial  
 188 district having venue for a hearing on the issue of paternity within  
 189 three years of such judgment. In addition to such review, if the  
 190 acknowledgment of paternity was filed prior to March 1, 1981, the  
 191 acknowledgment of paternity may be reviewed by denying the  
 192 allegation of paternity in response to the initial petition for support,  
 193 whenever it is filed. All such payments shall be made to the petitioner,  
 194 except that in IV-D support cases, as defined in subsection (b) of  
 195 section 46b-231, payments shall be made to the state, acting by and  
 196 through the IV-D agency.

197 Sec. 7. Subdivision (2) of subsection (n) of section 46b-231 of the  
 198 general statutes is repealed and the following is substituted in lieu  
 199 thereof (*Effective October 1, 2002*):

200 (2) Proceedings for such appeal shall be instituted by filing a  
 201 petition in superior court for the judicial district in which the decision  
 202 of the family support magistrate was rendered not later than fourteen  
 203 days after filing of the final decision with an assistant clerk assigned to  
 204 the Family Support Magistrate Division or, if a rehearing is requested,  
 205 not later than fourteen days, or, in cases decided pursuant to sections  
 206 46b-212 to 46b-213v, inclusive, as amended, not later than thirty days,  
 207 after filing of the notice of the decision thereon. In a IV-D support case,  
 208 such petitions shall be accompanied by a certification that copies of the  
 209 petition have been served upon the IV-D agency as defined in  
 210 subsection (b) of this section and all parties of record. Service upon the

211 IV-D agency may be made by the appellant mailing a copy of the  
212 petition by certified mail to the office of the Attorney General in  
213 Hartford.

214 Sec. 8. Subsection (d) of section 52-362d of the general statutes, as  
215 amended by section 23 of public act 01-91 and section 10 of public act  
216 01-207, is repealed and the following is substituted in lieu thereof  
217 (*Effective October 1, 2002*):

218 (d) Whenever an order of the Superior Court or a family support  
219 magistrate for support of a minor child or children is issued or an  
220 order of another state is registered pursuant to section 46b-213h, as  
221 amended, or section 46b-213o, and such payments have been ordered  
222 through the IV-D agency, and the obligor against whom such support  
223 order was issued owes overdue support under such order in the  
224 amount of five hundred dollars or more, the IV-D agency, as defined  
225 in subdivision (12) of subsection (b) of section 46b-231, or Support  
226 Enforcement Services of the Superior Court may notify (1) any state or  
227 local agency with authority to distribute benefits to such obligor  
228 including, but not limited to, unemployment compensation and  
229 workers' compensation, (2) any person having or expecting to have  
230 custody or control of or authority to distribute any amounts due such  
231 obligor under any judgment or settlement, (3) any financial institution  
232 holding assets of such obligor, and (4) any public or private entity  
233 administering a public or private retirement fund in which such  
234 obligor has an interest that such obligor owes overdue support in a IV-  
235 D support case. Upon receipt of such notice, such agency, person,  
236 institution or entity shall withhold delivery or distribution of any such  
237 benefits, amounts, assets or funds until receipt of further notice from  
238 the IV-D agency.

239 Sec. 9. (NEW) (*Effective October 1, 2002*) Any person who is legally  
240 liable for the support of any child under any provision of the general  
241 statutes and who has been ordered to make periodic support  
242 payments, and any person who receives such support payments shall



243 disclose to each other when the wages and salaries of either person as  
244 reported to the Internal Revenue Service increase by more than ten per  
245 cent from the wages and salaries amount reported by such person to  
246 the Internal Revenue Service for the previous calendar year. The  
247 provisions of this section shall be deemed to be included in any child  
248 support order issued on or after the effective date of this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>

***Statement of Purpose:***

To facilitate the collection of child support by: Codifying current Judicial Branch policy that only a custodial parent may request state-collected child support to be sent to a new address, and that address must be the custodial parent's residence; allowing courts to order child support for a child through the age of nineteen if the child is a full-time high school student living with the custodial parent; authorizing the court to order continued child support payments even after termination of parental rights; providing parties in interstate child custody cases with a thirty day period to appeal rather than fourteen days; extending the current child support lien authority to interstate child support obligations; and requiring parents to affirmatively notify each other when there is a substantial increase in either parent's income.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*